



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/777,989	02/06/2001	Thomas Lee Chester	8035M	3218
27748	7590	01/30/2006	EXAMINER	
THE PROCTER & GAMBLE COMPANY PATENT DIVISION MIAMI VALLEY LABORATORIES P.O. BOX 538707 CINCINNATI, OH 45253-8707			WACHSMAN, HAL D	
			ART UNIT	PAPER NUMBER
			2857	

DATE MAILED: 01/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

1. The reply filed on 11-25-05 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s):

a) The replacement sheet for Figure 6 with the reply filed 11-25-05 is improper under 37 C.F.R. 1.121 because it was not identified in the top margin as "Replacement Sheet". In addition, as was cited in paragraph 3 of the prior office action, labeling (i.e. in words) is needed in Figure 1 and the stamps containing the inventor name, title, etc. in all the figures should be deleted. Appropriate correction is required.

b) As was indicated in paragraph 2 of the prior office action, claims 10-34 stand withdrawn from further consideration as being drawn to a nonelected species, there being no allowable generic or linking claim. However, claims 10-34 have not been cancelled. Appropriate correction is required.

c) Paragraph 4 of the prior Office action stated the following:

"Paragraph 5 of the Restriction requirement mailed 9-23-04 stated that an Information Disclosure Statement was filed by the Applicant on 7-20-01 containing 102 non-patent literature references. However, review of the image file wrapper showed that these references were missing from the image file wrapper. Consequently, the Applicant was respectfully requested to resubmit copies of those references with the reply to the Restriction Requirement. However, the Response to the Restriction requirement received 3-23-05 does not comment on this request and it appears that copies of those IDS non-patent literature references have not been resubmitted as they are not in the image file

wrapper. Because of the above, the IDS filed 7-20-01 could not be considered and copies of all those non-patent literature references are still needed for the IDS filed 7-20-01 to be considered.”

The reply filed 11-25-05 contained no comments with respect to this in the Remarks section and it appears that the references were not resubmitted.

*Appropriate explanation/correction is required.*

d) As was cited in paragraph 7 of the prior Office action, the use of the trademark Waters Alliance Model 2690 HPLC (see page 26 of the specification) has been noted in this application. It should be capitalized wherever it appears and be accompanied by the generic terminology. Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner which might adversely affect their validity as trademarks. Appropriate correction is required.

e) The following 37 C.F.R. 1.75(a) objections noted in paragraph 11 of the prior Office action, were not commented on and not corrected in the reply filed 11-25-05:

Claim 1, step ii, cites “calculating contribution to broadening of the solute peak...” but contribution of what exactly is being referred to here ?;

Claim 1, step iii, cites “accumulated peak width” which lacks clear antecedent basis;

With respect to claim 1, step vi, there appears to be a lack of connection between this step and the step before, as the step before states "repeating step I-iv until the solute peak elutes";

Appropriate correction is required.

f) The reply filed 11-25-05 contains the specification amendment "Please add the following new paragraph after the paragraph beginning at page 1, line 8". However, on page 1, line 8, of the specification there is no paragraph currently located there. Appropriate correction is required.

2. See 37 CFR 1.111. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).**

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hal D. Wachsman whose telephone number is 571-272-2225. The examiner can normally be reached on Monday to Friday 7:00 A.M. to 4:30 P.M..


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marc Hoff can be reached on 571-272-2216. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Application/Control Number: 09/777,989

Art Unit: 2857

Page <sup>7</sup> 8 <sup>HW</sup> 1-26-06

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Hal D Wachsman  
Primary Examiner  
Art Unit 2857

HW  
January 26, 2006